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18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN FRANCISCO DIVISION**

21
22 **DR MANAGEMENT, LLC, et al.,**

23 Plaintiffs,

24 vs.

25 **UNITED STATES OF AMERICA, et al.,**

26 Defendants.

Case No. 05-01010 MMC

**SECOND STIPULATION TO CONTINUE
TRIAL DATE AND SUMMARY
JUDGMENT MOTION HEARING DATE;
~~PROPOSED~~ ORDER**

1 This stipulation between the plaintiffs (DR Management, LLC; DR Acquisitions, LLC;
2 DR Holdings, LLC; Jennifer Lin; Frederick Lin; and Kevin Lin) and the defendant (the United States
3 of America) is based on the following facts:

4 **RECITALS**

5 1. On February 7, 2008, the plaintiffs and the defendant filed a stipulation
6 (Document 145) (i) notifying this Court that the parties had reached a tentative settlement and (ii)
7 requesting that this Court continue the trial date and summary judgment hearing no less than four
8 months so as to provide the defendant with sufficient time to secure the necessary approvals from the
9 Department of Justice and the Internal Revenue Service and prepare the settlement papers.

10 2. The stipulation filed by the plaintiffs and the defendant proposed a trial date of
11 July 30, 2008.

12 3. On February 8, 2008, this Court issued an order (Document 146) approving in
13 part the stipulation to continue the trial date and summary judgment hearing date, and set the
14 following revised calendar in this action:

- 15 • Summary Judgment Motion Hearing: June 20, 2008
- 16 • Pretrial Filings, including Motions in Limine: July 1, 2008
- 17 • Opposition to Motions in Limine: July 8, 2008
- 18 • Pretrial Conference: July 15, 2008
- 19 • Trial Date: August 25, 2008

20 4. The plaintiffs' lead trial counsel, Robert Infelise, has a family commitment in
21 late August 2008 that conflicts with the August 25, 2008 trial date. His youngest child will be going
22 off to college on the East Coast the week before. He would like to be able to accompany his daughter
23 and wife back East, but will be unable to do so if he must prepare for a trial on August 25.

24 5. The plaintiffs have not previously requested a continuance of any court date.

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1 **TERMS**

2 Based on these facts, the plaintiffs and the defendant agree:

3 1. To extend the dates listed in paragraph 3 above by one month and to propose
4 the following revised schedule:

- 5 • Summary Judgment Hearing – July 18, 2008
6 • Pretrial Filings and Motions in Limine August 5, 2008
7 • Opposition to Motion in Limine August 12, 2008
8 • Pretrial Conference August 19, 2008
9 • Trial – September 29, 2008

10
11 February 20, 2008

Cox, Castle & Nicholson LLP

12
13 By: 

14 Robert D. Infelise
15 Attorneys for the plaintiffs,
16 DR Management, LLC; DR Acquisitions I, LLC;
17 DR Holdings, LLC; Jennifer Lin; Frederick Lin;
18 and Kevin Lin

16 February 20 2008

17 UNITED STATES ATTORNEY
18 Joseph P. Russoniello, Esq.
19 Robert J. Higgins, Esq.
20 Bart D. Jeffress, Esq.

21 By: 

22 Robert J. Higgins
23 Attorneys for the defendant
24 United States of America

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ORDER

Pursuant to the stipulation of counsel, it is so ordered.

Date: February 21, 2008



The Honorable Maxine M. Chesney